IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 12914 of 1995

-

Between:

Dadi Jagannadham, S/o Ramaiah,
R/o Anakapalle, Visakhapatnam

..... PETITIONER

AND

-

The Special Deputy Collector &

the Land Acquisation Officer, NH, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction, directing the respondent to make a reference U/s 18 of the Land Acquisition Act, with reference to the application dt:30.6.94 made by the petitioner pursuant to the Award 4/94 dt:2.6.94 by declaring the inaction of the respondent as illegal and arbitrary.

Counsel for the Petitioner: MR.T.NIRANJAN REDDY

Counsel for the Respondent: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

The petitioner is claiming to be the owner of the land admeasuring Acs.0.20 in S.No.1403/242 of Anakapalle town. The said land was acquired by

the respondent under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') and award No.4/1994 was passed on 2-6-1994 determining the compensation at Rs.33,198/-. Not satisfied with the compensation amount, the petitioner made an application to the respondent on 30.6.1994 under Section 18 of the Act, requesting him to refer the matter to the competent Civil Court, which was received by him on 2-7-1994. Alleging that though he made an application to the respondent within the time prescribed, the matter was not referred to a competent Civil Court, the petitioner filed the present writ petition for a direction to the respondent to make a reference under Section 18 of the Act for determination of proper compensation.

In view of the fact that the notice under Section 12(2) of the Act was issued to the petitioner on 12.6.1994 and the petitioner made application under Section 18 of the Act to refer the matter to a competent civil court on 30-6-1994, it would be suffice, if a direction is issued to the respondent to refer the matter to the Civil Court under Section 18 of the Act, if not already referred, within a period of eight weeks from the date of the receipt of a copy of this order.

With the above direction, the Writ Petition is allowed. No costs.

T. Meena Kumari, J.

4th November, 2004.

Js.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday the fourth day of November, Two thousand and four.

ASSISTANT REGISTRAR

To

The Special Deputy Collector &

1. The Land Acquisation Officer, NH, Visakhapatnam.

2. Two CCs to G.P. for Land Acquisition, High Court Buildings, High Court of A.P., Hyderabad. (OUT).

3. 2 CD copies.